

Judiciary. Title IV of act Aug. 2, 1946, was substantially repealed and reenacted as sections 1346(b) and 2671 et seq. of Title 28, Judiciary and Judicial Procedure, by act June 25, 1948, ch. 646, 62 Stat. 992, the first section of which enacted Title 28. For complete classification of title IV to the Code, see Tables. For distribution of former sections of Title 28 into the revised Title 28, see Table at the beginning of Title 28.

#### EFFECTIVE DATE

Section effective Jan. 2, 1947, see section 142 of act Aug. 2, 1946, ch. 753, title I, 60 Stat. 834.

#### § 190h. Repealed. S. Res. 9, § 2, Nov. 5, 1975

Section, Pub. L. 91-510, title II, §242(a), Oct. 26, 1970, 84 Stat. 1171, provided that each meeting conducted by Senate Committee on Appropriations be open to the public except when testimony to be taken might relate to a matter of national security, tend to reflect adversely on character or reputation of witness or other individual, or divulge matters deemed confidential under other provisions of law or regulations.

#### §§ 190i to 190k. Repealed. S. Res. 274, §2(b), Nov. 14, 1979

Section 190i, Pub. L. 91-510, title II, §243, Oct. 26, 1970, 84 Stat. 1173, related to actions and procedures of the Committee on Appropriations of Senate. See Standing Rules of the Senate.

Section 190j, Pub. L. 91-510, title II, §252(a), Oct. 26, 1970, 84 Stat. 1173; Aug. 1, 1946, ch. 724, §302(d), as added Pub. L. 95-110, §1, Sept. 20, 1977, 91 Stat. 884, related to cost estimates in reports of Senate committees accompanying certain legislative measures and to other Senate committee operations. See Standing Rules of the Senate.

Section 190k, Pub. L. 91-510, title II, §253(a), (b), Oct. 26, 1970, 84 Stat. 1174, related to appropriations on an annual basis for continuing programs and activities and review by Senate and joint committees. See Standing Rules of the Senate.

#### § 190l. Private claims pending before Congress; taking of testimony

Any committee of either House of Congress before which any private claim against the United States may at any time be pending, being first thereto authorized by the House appointing them, may order testimony to be taken, and books and papers to be examined, and copies thereof proved, before any standing master in chancery within the judicial district where such testimony or evidence is to be taken. Such master in chancery, upon receiving a copy of the order of such committee, signed by its chairman, setting forth the time and place when and where such examination is to be had, the questions to be investigated, and, so far as may be known to the committee, the names of the witnesses to be examined on the part of the United States, and the general nature of the books, papers, and documents to be proved, if known, shall proceed to give to such private parties reasonable notice of the time and place of such examination, unless such notice shall have been or shall be given by such committee or its chairman, or by the attorney or agent of the United States, or waived by such private party. And such master shall issue subpoenas for such witnesses as may have been named in the order of such committee, and such others as the agent or other representative of the United States hereinafter mentioned shall request. And he shall also issue subpoenas at the request of such pri-

ivate party, or parties, for such witnesses within such judicial district as they may desire: *Provided*, That the United States shall not be liable for the fees of any officer for serving any subpoena for any private party, nor for the fees of any witness on behalf of such party. Said committee may inform the United States attorney for the district where the testimony is to be taken of the time, place, and object of such examination, and request his attendance in behalf of the Government in conducting such examination, in which case it shall be his duty to attend in person, or by an assistant employed by him, to conduct such examination on the part of the United States, or such committee may, at its option, appoint an agent or attorney, or one of its own members, for that purpose, as they may deem best; and in that event, if the committee shall not be unanimous, the minority of the committee may also appoint such agent or attorney or member of such committee to attend and take part in such examination.

(Feb. 3, 1879, ch. 40, §1, 20 Stat. 278; Mar. 3, 1911, ch. 231, §291, 36 Stat. 1167; June 25, 1948, ch. 646, §1, 62 Stat. 909.)

#### CODIFICATION

This section and section 190m of this title were an act entitled "An act to provide for taking testimony, to be used before Congress, in cases of private claims against the United States."

The original text referred to "any standing master in chancery of the circuit of the United States within the judicial district where such testimony or evidence is to be taken." The words "of the circuit of the United States" were omitted as inappropriate since the abolition of circuit courts by act Mar. 3, 1911.

Section was formerly classified to section 229 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

#### CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted "United States attorney" for "district attorney of the United States". See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Notes thereunder.

#### § 190m. Subpoena for taking testimony; compensation of officers and witnesses; return of depositions

It shall be the duty of the marshal of the United States for the district in which the testimony is to be taken to serve, or cause to be served, all subpoenas issued in behalf of the United States under this section and section 190l of this title, in the same manner as if issued by the district court for his district; and he shall, upon being first paid his fees therefor, serve any subpoenas that may be issued at the instance of such private party or parties. And the said master may, in his discretion, appoint any other person to serve any subpoena. Such master shall have full power to administer oaths to witnesses, and the same power to issue attachments to compel the attendance of witnesses and the production of books, papers, and documents, as the district court of his district would have in a case pending before it; and it shall be his duty to report the conduct of contumacious witnesses before him to the House of Congress appointing